

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TRAVIS VOSS-CURRY, an individual,

Plaintiff,

v.

CROWN EQUIPMENT CORPORATION, an
Ohio corporation; and LATTCO SERVICES,
INC., a California corporation.

Defendants.

NO.

DEFENDANT'S NOTICE OF REMOVAL
OF CIVIL ACTION PURSUANT TO 28
U.S.C. § 1441(b)

TO: The Clerk of the above-entitled Court;

AND TO: Plaintiff, above-named;

AND TO: Lattco Services, Inc.

PLEASE TAKE NOTICE that Defendant Crown Equipment Corporation (hereinafter "Defendant") hereby removes to this Federal District Court the state court action described below. Co-Defendant Lattco Services, Inc. has indicated to Crown Equipment Corporation's Counsel that it consents to remove this action to Federal District Court.

1. On June 28, 2022, an action was commenced in the Superior Court of the State of Washington in and for the County of King, entitled, *Travis Voss-Curry v. Crown Equipment*

DEFENDANT'S NOTICE OF REMOVAL OF CIVIL ACTION
PURSUANT TO 28 U.S.C. § 1441(b) - 1

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, WA 98101-2380
(206) 628-6600

1 Corporation, an Ohio corporation, and Lattco Services, Inc., a California corporation, Cause
2 No. 22-2-09926-7 KNT.

3 2. The first date upon which Defendant Crown Equipment Corporation received
4 copy of said Complaint was on or about June 30, 2022.

5 3. This action is a civil action where the amount in controversy is reasonably
6 believed to exceed \$75,000.00 exclusive of interest and costs of which this Court has original
7 jurisdiction based on complete diversity of the parties pursuant to 28 U.S.C. § 1332 according to
8 the allegations in the Complaint, and is one which may be removed to this Court pursuant to the
9 provisions of 28 U.S.C. § 1441(b). The deadline to remove for Defendant Crown Equipment
10 Corporation is July 30, 2022. Under Fed. R. Civ. P. Rule 6, today's date is within the thirty-day
11 time period proscribed by 28 U.S.C. § 1446(b)(2) ("Each defendant shall have 30 days after
12 receipt by or service on that defendant of the initial pleading or summons...to file the notice of
13 removal.").

14 4. Diversity is complete between Plaintiff and Defendants. Defendant Crown
15 Equipment Corporation is a corporation incorporated under the laws of the State of Ohio with its
16 principal place of business in New Bremen, Auglaize County, OH. Plaintiff Travis Voss-Curry,
17 is an individual residing in Pierce County, Washington. *See* Dec. of Hermsen: Complaint at ¶1.1.
18 On information and belief, co-defendant Lattco Services, Inc. is a corporation under the laws of
19 the state of California. *See* Dec. of Hermsen: Complaint at ¶1.3.

20 5. All defendants consent to removal of this action pursuant to 28 U.S.C. 1446 based
21 on diversity of citizenship. 28 U.S.C. 1446(b)(2)(A).. *See* Dec. of Hermsen at ¶4.

22 6. In accordance with 28 U.S.C. §1446(a) and LCR 101(b), attached to this Notice
23 of Removal is a copy of the Complaint filed in the state court action; as well as the King County
24 Superior Court Docket; Case Information Cover Sheet; Summons;
25 Affidavit/Decl./Certificate/Confirmation of Service; Notice of Appearance (Crown Equipment

DEFENDANT'S NOTICE OF REMOVAL OF CIVIL ACTION
PURSUANT TO 28 U.S.C. § 1441(b) - 2

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1 Corporation only); Affidavit/Decl./Certificate/Confirmation of Service;
2 Affidavit/Decl./Certificate/Confirmation of Service; Notice of Hearing; and Motion for Default
3 Judgment related to co-defendant Lattco Services, Inc. *See* Dec. of Hermesen and attachments
4 thereto.

5 7. Defendant will file a Notice of Filing with the Clerk of King County Superior
6 Court as required by 28 U.S.C. §1446(d). A copy of this Notice of Removal is being served on
7 Plaintiff and Co-Defendant Lattco Services, Inc.

8 8. Pursuant to LCR 101(e) and LCR 3(d), the Seattle Division of the United States
9 District Court for the Western District of Washington is the appropriate intra-district assignment.
10 The Seattle Division is appropriate because Plaintiff filed this matter in King County,
11 Washington, and according to the Complaint, the occurrence arose in King County, Washington.
12 *See* Dec. of Hermesen: Complaint at ¶2.1.

13 9. Defendant reserves all rights, including defenses and objections as to venue,
14 personal jurisdiction, and service, and the filing of this notice of removal is subject to, and
15 without waiver of, any such defenses and objections.

16 10. Defendant reserves the right to amend or supplement this Notice of Removal.

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DEFENDANT'S NOTICE OF REMOVAL OF CIVIL ACTION
PURSUANT TO 28 U.S.C. § 1441(b) - 3

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1 DATED this 29th day of July, 2022.

2 WILLIAMS, KASTNER & GIBBS PLLC

3
4 s/Tyler J. Hermesen

5 Tyler J. Hermesen, WSBA #43665

6 601 Union Street, Suite 4100

7 Seattle, WA 98101-2380

8 Telephone: (206) 628-6600

9 Fax: (206) 628-6611

10 Email: thermsen@williamskastner.com

11 *Counsel for Defendant Crown Equipment*
12 *Corporation*

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DEFENDANT'S NOTICE OF REMOVAL OF CIVIL ACTION
PURSUANT TO 28 U.S.C. § 1441(b) - 4

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CERTIFICATE OF SERVICE

The undersigned hereby certify under penalty of perjury under the laws of the State of Washington that on the date below, I caused a true and correct copy of the foregoing document to be delivered to the following counsel of record in the manner indicated below:

Spencer Nathan Thal, WSBA #20074
Zacharia Nathan William Thal, WSBA #55462
VANGUARD LAW
PO Box 939
Poulsbo, WA 98370
Telephone: (206) 488-8344
spencer@vanguardlawfirm.com
zach@vanguardlawfirm.com

☒ Via ECF/Filing
☐ Via Facsimile
☒ Via Electronic Mail
☐ Via U.S. Mail

Counsel for Plaintiff

Jeffrey Heiser
Heiser Law Corporation,
949 N. Center St., Ste. A,
Stockton, CA 95202-1327
Telephone: (209) 948 6400
jeffheiser@lycos.com

☐ Via ECF/Filing
☐ Via Facsimile
☒ Via Electronic Mail
☒ Via U.S. Mail

Registered agent of Lattco Services, Inc.
Courtesy Copy to:

Elizabeth G. Smith
Managing Trial Attorney
Law Office of Elizabeth G. Smith
1730 Minor Ave. Ste. 1130
Seattle, WA 98101
Smite21@nationwide.com
(206) 403-4810

☐ Via ECF/Filing
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☒ Via Electronic Mail
☒ Via U.S. Mail

DEFENDANT'S NOTICE OF REMOVAL OF CIVIL ACTION
PURSUANT TO 28 U.S.C. § 1441(b) - 5

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1 DATED this 29th day of July, 2022.

2 WILLIAMS, KASTNER & GIBBS PLLC

3
4 *s/Jaimisha Steward*

Jaimisha Steward, Legal Assistant

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DEFENDANT'S NOTICE OF REMOVAL OF CIVIL ACTION
PURSUANT TO 28 U.S.C. § 1441(b) - 6

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